

Legal and Veterans Affairs

PUBLIC 3 **An Act Eliminating the Receipt by the Maine Veterans' Homes of**
EMERGENCY **Any Reimbursement from the MaineCare Program for the Costs of**
 Renovating the Existing 120-bed Maine Veterans' Homes Nursing
 Facility in Augusta

LD 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-10
GAGNON		

Public Law 2003, chapter 3 prohibits the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and clarifies that a Legislative appropriation of funds for the cost of the renovations is not required. The law also exempts this Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants and directs the department to amend its rules accordingly.

Public Law 2003, chapter 3 was enacted as an emergency measure effective February 19, 2003.

PUBLIC 68 **An Act Regarding the Sale of Hard Cider**

LD 625

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEIDRICH	OTP	
MAYO		

Current law states that hard cider may be sold by a retail liquor licensee who has a license to sell wine. Under current law, hard cider is taxed under a malt liquor product category. Public Law 2003, chapter 68 specifies that hard cider may be sold under a malt liquor license.

PUBLIC 69 **An Act Regarding the Sampling of Products**

LD 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-19

Public Law 2003, chapter 69 amends current law to allow a partial bottle of wine as a sample. The law also requires a wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this law brings state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.

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PUBLIC 81 An Act To Clarify Campaign Finance Penalty Provisions

LD 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP	

Public Law 2003, chapter 81 specifies that civil penalties for violations of the Maine Clean Election Act apply to violations of rules adopted by the Commission on Governmental Ethics and Election Practices.

PUBLIC 91 An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses

LD 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL MAYO	OTP-AM MAJ OTP-AM MIN	H-98

Public Law 2003, chapter 91 amends the law establishing special taste-testing festivals for small breweries and farm wineries to also permit in-state malt liquor manufactures to participate in the taste-testing festival.

PUBLIC 192 An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games

LD 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM	OTP-AM	H-227

Public Law 2003, chapter 192 clarifies the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. It states that the information must be provided by a sign at the retail outlet or a notice on the primary or secondary packaging of the brand offering the promotion.

PUBLIC 208 An Act To Allow the Transfer of Spirits within Existing Businesses

LD 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM MAJ ONTP MIN	H-229

Public Law 2003, chapter 208 provides that if a business or corporation licensed to sell spirits for off-premises consumption has multiple licensed locations in the State, the licensee may transfer spirits only between those licensed locations and requires that a licensee notify the Department of Public Safety, Bureau of Liquor Enforcement in advance of the transfer of spirits between one location and another.

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PUBLIC 213 An Act Concerning the Issuance of a Temporary Liquor License

LD 466

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-268
GAGNON	ONTP MIN	

Public Law 2003, chapter 213 permits the issuance of a temporary on-premises liquor license pending the issuance or denial of an annual license for an establishment that has had a transfer in ownership. Under this law, a temporary license is applied for at the same time an annual license application is submitted. The Department of Public Safety, Bureau of Liquor Enforcement may issue a temporary license for up to 60 days, unless there is objection from the municipal officials or county commissioners. The fee for a temporary license is \$100.

PUBLIC 259 An Act To Regulate the Landlord-tenant Relationship

LD 1381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	S-122
SIMPSON	ONTP MIN	

Public Law 2003, chapter 259 increases the amount of time that a landlord must give a notice to a tenant of a rent increase from 30 days to 45 days.

PUBLIC 265 An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets

LD 1022

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MAJ	S-123
CLARK	ONTP MIN	

Public Law 2003, chapter 265 allows a landlord to file petitions for the protection of rental property or tenants when the landlord, landlord's employee or agent, rental property or tenants have experienced harm or have been threatened with harm by a guest or invitee of a tenant or a dangerous pet on the premises.

PUBLIC 268 An Act to Strengthen the Governmental Ethics Laws

LD 1336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM MAJ	H-267
GAGNON	ONTP MIN	

Public Law 2003, chapter 268 prohibits a Legislator or an organization in which a Legislator or Legislator's spouse is associated through ownership or service from contracting with a state governmental agency outside the competitive bidding process. The law requires a Legislator to disclose any bid made by the Legislator or

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associated organization on a contract with a state governmental agency. The law also establishes a civil penalty of \$10 per day for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices.

PUBLIC 270	An Act To Amend the Laws Governing the Qualification of Candidates	LD 980
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<u>Sponsor(s)</u> NASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-108
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Public Law 2003, chapter 270 specifies that a candidate is not eligible for certification as a Maine Clean Election Act candidate if the candidate has run for the same office as a nonparticipating candidate in a primary election in the same election year.

PUBLIC 296	An Act To Clarify When Notice is Effective to Terminate a Tenancy at Will	LD 1008
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<u>Sponsor(s)</u> MILLS P DAGGETT	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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Public Law 2003, chapter 296 clarifies that a tenant is entitled to occupancy through the date for which rent has been paid, but a notice to vacate on any day after such a date will still be effective so long as it is given at least 30 days in advance.

PUBLIC 298	An Act To Ensure Segregation of Spoiled, Defective and Void Ballots	LD 981
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<u>Sponsor(s)</u> GAGNON CLARK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-129
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Public Law 2003, chapter 298 requires that spoiled, defective and void ballots be segregated in labeled envelopes and packaged and returned according to the requirements for other ballots and voting materials. Under this law, the Secretary of State shall provide each municipal clerk with either an instructional label for each type of segregated ballot envelope or a specially printed envelope containing the label and instructions.

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**PUBLIC 302 An Act To Standardize Reporting Requirements for State Party
Committees' Expenditures and Contributions**

LD 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM	H-301 H-329 MOODY

Public Law 2003, chapter 302 creates a specific schedule for state party committees to file reports of expenditures and contributions. It also specifies the point size, font and type face of the disclaimer "not paid for or authorized by any candidate" where that disclaimer is required under current law.

PUBLIC 303 An Act To Update the Abandoned Property Laws

LD 901

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-117

Public Law 2003, chapter 303 extends application of the statutory process governing the disposal by a landlord of property abandoned by a tenant worth a value of less than \$500 to property with a value of less than \$750.

**PUBLIC 342 An Act Regarding the Maine Military Authority and the Sale of the
EMERGENCY Fort Fairfield Armory**

LD 1537

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CLARK	OTP-AM	S-181

Public Law 2003, chapter 342 specifies that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and clarifies that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The law also authorizes the Adjutant General to sell the Fort Fairfield Armory to the Town of Fort Fairfield for \$1.

Public Law 2003, chapter 342 was enacted as an emergency measure effective May 29, 2003.

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**PUBLIC 349 An Act to Expand Payment Options on Sales of Alcoholic
Beverages by Licensees**

LD 433

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	S-188
CLARK		

Public Law 2003, chapter 349 amends the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This amendment permits the use of electronic funds transfers to conduct those transactions.

**PUBLIC 353 An Act To Allow a Worker at a Beano Game To Play the Cards of
a Player Who Takes a Restroom Break**

LD 1057

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM MAJ	H-404
BRYANT	ONTP MIN	

Public Law 2003, chapter 353 allows a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a restroom or a smoking break.

This law does not apply to the conduct of high-stakes beano.

**PUBLIC 381 An Act To Change the Personnel Employed by the Commission on
Governmental Ethics and Election Practices**

LD 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM MAJ	H-414
GAGNON	ONTP MIN	

Public Law 2003, chapter 381 changes the title of the director of the Commission on Governmental Ethics and Election Practices from administrative director to executive director. This law also removes the requirement that the commission employ a general counsel and replaces it with a requirement that commission hire either a general counsel or computer analyst based on the staffing needs of the director.

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PUBLIC 395 An Act To Preserve the Integrity of the Voting Process

LD 426

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM MAJ	H-403
CATHCART	ONTP MIN	H-478 MILLS P

Public Law 2003, chapter 395 amends current law regarding individuals wanting to monitor polling places and challenging a person's right to vote. Anyone who wishes to monitor the names and addresses of persons registering at the polling place is required to inform the registrar or clerk of that intent in writing. The law requires a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the information on which that challenge is based. It also outlines the duties and authority of wardens to regulate the challenge procedure. Under this law, the warden is required to include the signed affidavit of the person challenging a voter in the sealed envelope with the challenge certificate.

PUBLIC 401 An Act Relating to Harness Racing Laws EMERGENCY

LD 704

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN	OTP-AM	H-397
BRYANT		H-479 CLARK

Public Law 2003, chapter 401 which was enacted as an emergency measure does the following:

1. It directs the department to work in conjunction with the State Harness Racing Commission in developing State harness racing policy. Current law specifies that the Department of Agriculture, Food and Rural Resources "take the lead" in developing state policy with respect to harness racing;
2. It directs the State Harness Racing Commission to share the duty of reviewing racing-related statutes and rules on an ongoing basis and requires that the appointment of the executive director receive the commissioner's approval;
3. It identifies the executive director's duty to report and recommend changes regarding harness racing as the work of the commission, rather than as the work of the department;
4. It repeals the provision requiring the establishment of trust accounts and instead requires the licensee to pay to an association of horsemen up to 1.5% of all amounts generated for the purpose of supplementing purses;
5. It specifies that if a commercial track ceases operation, a separate racetrack operated by the owner of the now-closed racetrack is considered to be the same racetrack as the track that ceased operation;
6. It authorizes the sale of common pari-mutuel pools for simulcast races;
7. It clarifies the method of determining market area for commercial race tracks and off-track betting facilities; and;

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8. It specifies that the presiding judge and associate judges appointed by the State Harness Racing Commission are deemed to be employees of the State for purposes of the Maine Tort Claims Act. The amendment also specifies that the Harness Racing Promotional Board and its employees are considered a state agency for purposes of the Maine Revised Statutes, Title 5, section 191, which directs the Attorney General's office to appear for state agencies in civil actions and proceedings.

Public Law 2003, chapter 401 was enacted as an emergency measure effective June 3, 2003.

PUBLIC 404	An Act To Update the Department of Defense, Veterans and Emergency Management Laws	LD 1513
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK MAYO	OTP-AM	H-468

Public Law 2003, chapter 404 allows a member of the Maine National Guard on active state service for more than 15 days to elect to be a member of the Maine State Retirement System. The law allows the Adjutant General of the Maine National Guard to receive excess personal property from the United States Department of Defense for use by the Department of Defense, Veterans and Emergency Management. The law clarifies that an application for a stay of court or administrative proceeding by a military member does not constitute an appearance. The law requires that the certificate of release or discharge from active military duty filed with any state, local or county government be held confidential for a period of 75 years. The law specifies that the Governor may agree to hold harmless the Federal Government against claims arising from debris and wreckage removal relating to a major disaster or emergency. The law adds 2 members to the River Flow Advisory Commission. This law authorizes the Adjutant General to sell the armory located in Saco. Finally, the law names the armory located in Caribou the Nelson J. Solman Armory.

PUBLIC 407 EMERGENCY	An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002	LD 1486
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-178

Public Law 2003, chapter 407 makes changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and specifies that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. It adds or amends certain definitions relating to members of the uniformed service and overseas voters including a section regarding the use of blank write-in absentee ballots. The law makes changes to the voter registration application to add certain identifying information as required by HAVA. Chapter 407 specifies that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It also clarifies what documentation must be retained in the voter registration file. The law also makes a single, standard requirement for the number of voting booths needed for a general election for all municipalities and requires each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This law replaces the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions

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and clarifies usage of the federal write-in absentee ballot. The law also streamlines the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. Under this law, municipal clerks are required to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election and further identify the number of ballots that were issued to uniformed service voters and overseas voters. Chapter 407 makes other changes to the provisions for absentee voting for the uniformed service voters and overseas voters that are consistent with current laws governing all other absentee voters. The law also states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. Finally, this law provides the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules need to be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA.

Public Law 2003, chapter 407 was enacted as an emergency measure effective June 3, 2003.

PUBLIC 447 An Act To Amend the Election Laws

LD 1548

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK GAGNON	OTP-AM	H-496

Public Law 2003, chapter 447 adds or amends the definitions for certain voting terms. The law also specifies how ballots must be destroyed after their retention period. This law clarifies the process for adding names of new registrants to the voting list for election day. The law also prohibits the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. Chapter 447 corrects an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. It adds a reason for challenging ballots, which is currently found in another section of law, to the challenge section. This law also removes the penalty for soliciting a vote from a person who is under guardianship because of mental illness. Chapter 447 clarifies the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This law also specifies that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials and clarifies the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. It also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This law provides for specific requirements for when a clerk must accept a written absentee ballot application, written request or telephone application and clarifies the circumstances when a voter can be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots must be processed and counted on election day. Under this law, the penalty for tampering with an electronic tabulating device or other type of voting device is changed so that it is consistent with the penalty for tampering with a voting machine. Finally, this law clarifies who are designated recount candidates and the procedure to be used in notifying a candidate of the recount.

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PUBLIC 448 An Act To Clarify the Definition of Independent Expenditures Under the Election Laws

LD 1196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-205
CLARK	OTP-AM MIN	

Public Law 2003, chapter 448 amends the election laws governing independent expenditures by expanding the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate. It states that in races involving a Maine Clean Election Act candidate, an expenditure made that names or depicts a clearly identified candidate made 21 days before a primary or general election is considered an independent expenditure. Under current law, independent expenditures trigger reporting requirements that may result in matching funds being distributed to a Maine Clean Election Act candidate. Reporting requirements for this law would be required after \$100 is spent on such an expenditure. This law provides for a person to rebut that the expenditure made was an independent expenditure by stating that it was not made to influence the nomination, election or defeat of a candidate.

PUBLIC 453 An Act To Improve the Clean Election Option for Gubernatorial Candidates

LD 1310

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM	H-450
DAGGETT		

Public Law 2003, chapter 453 replaces the current funding formula for gubernatorial candidates that run under the Maine Clean Election Act with flat funding. Under this law, gubernatorial candidates receive initial distributions of \$200,000 for primary elections and \$400,000 for general elections.

PUBLIC 470 An Act to Repeal the Presidential Preference Primary Elections Process

LD 100

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-34
		H-600 CLARK
		S-289 CATHCART

Public Law 2003, chapter 470 repeals the presidential preference primary law, eliminating the system of nominating presidential candidates by preference primary.

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PUBLIC 488 **An Act To Create the Maine National Guard Education Assistance**
EMERGENCY **Program**

LD 1533

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-455 S-302 CATHCART

Public Law 2003, chapter 488 establishes the Maine National Guard Education Assistance Program to provide tuition assistance to members of the Maine National Guard for postsecondary education. The law applies retroactively to school terms beginning on or after May 1, 2003.

Public Law 2003, chapter 488 was enacted as an emergency measure effective June 23, 2003.

RESOLVE 7 **Resolve, Authorizing Municipalities To Consolidate Voting Districts**
EMERGENCY **for Special Elections on Bond Issues Held in 2003**

LD 1581

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Resolve 2003, chapter 7 authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in 2003. This resolve was finally passed as an emergency and took effect on April 30, 2003.

Resolve 2003, chapter 7 was enacted as an emergency measure effective April 30, 2003.

RESOLVE 43 **Resolve, Directing the Bureau of Veterans' Services To Provide**
 Assistance To Obtain Information Regarding Maine Members of
 the United States Armed Forces Presumed Lost or Deceased

LD 1068

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-269

Resolve 2003, chapter 43 requires the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services to assist individuals in obtaining information regarding Maine members of the United States Armed Forces who are presumed lost or deceased during their active military service.

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RESOLVE 86 Resolve, Allowing Christy Reposa To Sue the State

LD 730

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM MAJ	H-356
	ONTP MIN	H-383 TWOMEY

Resolve 2003, chapter 86 authorizes Christy Reposa, the parent of Logan Marr, to sue the State under the State's wrongful death laws. The law provides that the proceeds of any recovery by Christy Reposa in her suit against the Department of Human Services, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr.

**PASSED JOINT STUDY ORDER – Establishing the Committee to Study the
Implementation of the Privatization of the State's Wholesale Liquor
Business**

SP 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	None	S-264

Senate Paper #552 is a Joint Study Order to Study the Implementation of the Privatization of the State's Wholesale Liquor Business. This Joint Order establishes a Legislative Study Committee that is charged with reviewing the bidding process by which the State will lease the wholesale spirits distribution rights to a private distributor and to explore issues associated with the responsibility for enforcement the liquor laws. The committee is authorized to hold 3 meetings and is required to issue a report to the Second Regular Session of the 121st Legislature no later than December 3, 2003.